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Application No. 10/820,383

Filed: April 8, 2004

TC Art Unit: 2622

Confirmation No.: 8459

FORMAL MATTERS

The Examiner has not considered two foreign references cited by the Applicant in a April 8, 2004 Information Disclosure Statement (the "IDS"). A copy of the IDS as filed, including copies of the English abstracts for the cited foreign references, accompany this response. As reported to the Patent Office in the IDS, the references were cited in an International Search Report for corresponding International Application Number PCT/CH02/00508 filed on September 16, 2002, which Applicant believed was part of the official record.

The Applicant respectfully requests that the Examiner consider and make part of the record these two references prior to issuance of his next action on the merits.

REMARKS

Claims 1-26 are currently pending. Claims 1-3, 5-9, 11, 12, 15-17, 19, 20, 23, and 24 have been rejected under 35 U.S.C. § 102(b) and claims 4, 10, 13, 14, 18, 21, 22, 25, and 26 have also been rejected under 35 U.S.C. § 103(a). Claim 5 has been further rejected under 35 U.S.C. § 112, second paragraph.

Claim 2 has been canceled without prejudice and claims 1, 5-9, 17, 23, and 24 have been amended. Accordingly, after entry of this amendment, the pending claims will be claim 1 and claims 3-26.

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The Applicant respectfully traverses the grounds for rejection based on the above amendments and for the following reasons.

SECTION 112, SECOND PARAGRAPH REJECTIONS

Claim 5 has been rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claim 5 has been amended. Accordingly, the grounds for rejection are believed to be moot and withdrawal of the rejections is respectfully requested.

SECTION 102(b) REJECTIONS

Claims 1-3, 5-9, 11, 12, 15-17, 19, 20, 23, and 24 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 6,542,185 to Bogardus, et al. ("Bogardus"). The Applicant respectfully traverses these rejections in view of the above amendments and for the reasons provided below.

Independent claims 1, 17, 23, and 24 have been amended to recite that parameters for influencing camera operating properties, such as uniformity, linearity, gain, pixel defect correction, focus, and so forth, are selected remotely and, based on the selected parameters, an optical stimulus, e.g., an object to be imaged by the camera, is selected or instantly generated remotely for local display. See, e.g., Specification, page 7, lines 24-31. Thus, according to the invention as claimed, calibration can be performed remotely and a controlled

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environment is not needed for calibration. Moreover, remote selection and generation of an appropriate optical stimulus enables the adaptation of an appropriate optical stimulus according to a selected parameter(s).

The Bogardus reference discloses "a method and an apparatus for automated optimization of white and color balance on a video camera." U.S. Patent Number 6,542,185, col. 1, lines 10-12. However,

[t]he present invention uses an optical target in combination with calibration software capable of recognizing the optical target. The calibration software adjusts the camera until the perceived image matches the correct image available to the calibration software. More specifically, the optical target includes both white and non-white colors of known intensity. Since the calibration software has knowledge of the correct appearance of the optical target, the calibration software is capable of adjusting the video camera's response such that the image observed matches the image's known characteristics. Once having been adjusted for a given light condition, any other objects then observed under the same lighting conditions will appear in their true and accurate colors as captured by the video camera.

Id., col. 2, lines 6-22 (emphasis added). Thus, according to the teachings of Bogardus, the optical target ("optical stimulus" per current application) is pre-determined and not selected based on camera operating property-influencing parameters.

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Accordingly, the Bogardus reference does not teach, mention or suggest the invention as claimed in independent claims 1, 17, 23 or 24 and, therefore, cannot anticipate or make obvious the claims or any claims depending therefrom. As a result, the Applicant believes that, the claims satisfy all of the requirements of 35 U.S.C. §§ 101, et seq., especially § 102(b), and are in condition for allowance; and respectfully requests withdrawal of the rejections.

SECTION 103(a) REJECTIONS

Claims 4, 10, 13, 14, 18, 21, 22, 25, and 26 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Bogardus. For the same reasons that the Bogardus reference does not anticipate the invention as claimed, it also does not make the present invention obvious. The Bogardus reference does not motivate one skilled in the art to remotely select and generate an appropriate optical stimulus to enable the adaptation of an appropriate optical stimulus according to a selected parameter(s).

Accordingly, the Bogardus reference does not teach, mention or suggest the invention as recited in claims 4, 10, 13, 14, 18, 21, 22, 25, and 26. As a result, the Applicant believes that, the claims satisfy all of the requirements of 35 U.S.C. §§ 101, et seq., especially § 103(a), and are in condition for

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allowance; and respectfully requests withdrawal of the rejections.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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